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SUITE 105
ALEXANDRIA VA 22314

In re Application of
Weniger et al.
Application No. 10/585,816
PCT No.: PCT/EP2005/000319
Int. Filing Date: 14 January 2005
Priority Date: 14 January 2004
Atty. Docket No.: 06088
For: Method For Determining Colour
Perception In Multi-Layer Systems

DECISION

This is in response to the "Submission Of Inventor's Declaration" filed on 23 August 2006.

BACKGROUND

This international application was filed on 14 January 2005, claimed an earlier priority date of 14 January 2004, and designated the U.S. The International Bureau transmitted a copy of the published international application to the USPTO on 28 July 2005. The 30 month time period for paying the basic national fee in the United States expired at midnight on 14 July 2006. Applicants filed, *inter alia*, the basic national fee on 12 July 2006.

DISCUSSION

Inspection of the declaration filed on 23 August 2006 reveals that it nominates "Kirsten Povel, geb. Weniger" in place of "WENIGER, Kirsten" named in the published international application. Counsel states that the inventor "has become married and now uses the name Kirsten Povel, as indicated on the inventors' declaration." MPEP 605.04(b) states in part that

Except for correction of a typographical or transliteration error in the spelling of an inventor's name, a request to have the name changed from the typewritten version to the signed version or any other corrections in the name of the inventor(s) will not be entertained, unless accompanied by a petition under 37 CFR 1.182 together with an appropriate petition fee.

Since the change described above represents more than a mere typographic error or phonetic misspelling of applicant's name, a petition (and fee) under 37 CFR 1.182 is required. In the absence of such a petition, it would not be appropriate to accept the declaration at this time. It is noted that the declaration is defective for the further reason that it includes an uninitialed alteration to the inventor's name.

DECISION

The declaration is **NOT ACCEPTED**, without prejudice.

A proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time may be obtained under 37 CFR 1.136(a). Failure to timely file a proper response will result in **ABANDONMENT**.

Please direct any further correspondence with respect to this matter to the Assistant Commissioner for Patents, Mail Stop PCT, P.O. Box 1450, Alexandria, VA 22313-1450, and address the contents of the letter to the attention of the Office of PCT Legal Administration.

/George Dombroske/
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